

**REMARKS**

Claims 1, 2, and 4-18 are pending in the present application. Claim 3 has been cancelled. Claims 1, 2, 4, 5, 15, and 17 are independent.

**Allowable Subject Matter**

Applicants appreciate the Examiner's indication that claims 6-14 contain allowable subject matter and would be allowed if rewritten in independent form including all of the features of the base claim and any intervening claims. For the reasons discussed below, Applicants believe that all of the claims are allowable.

Applicants also appreciate the Examiner's withdrawal of the § 112, second paragraph rejection and the art rejection based on Handig.

**Claim Objections**

Claims 2 and 3 are objected to because they appear to be the same. In response, claim 3 has been cancelled. Therefore, Applicants respectfully request reconsideration and withdrawal of this claim objection.

**35 U.S.C. § 102(e) Mladenovic Rejection**

Claim 1 is rejected under 35 USC § 102(e) as being anticipated by Mladenovic (USP 6,657,996). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

According to the Office Action, Mladenovic assigns a bearer circuit each time a call is connected and such an assignment allegedly meets the claim feature of means for continuously assigning a bearer circuit with respect to the trunk channel operated under pass-through operation. This is not the case, particularly in view of the amendments to claim 1 which further clarify that the means for continuously assigning a bearer circuit with respect to the trunk channel is such that the bearer circuit continues to be operated as a sound channel regardless of whether sound is present on the trunk channel. This amendment further clarifies the meaning of "continuously assigning." There is no such feature in Mladenovic.

Instead, Mladenovic merely performs a conventional operation to assign channels and does not take into account whether sound is present or not on the trunk channel and certainly does not disclose or suggest means for continuously assigning a bearer circuit such that the bearer circuit continues to be operated as a sound channel regardless of

whether a sound is present on the trunk channel. In conventional systems such as Mladenovic, when sound is not present on the trunk channel the trunk channel is considered to be inactive. In response the channel assignment is changed. Thus, there is no continuous assignment of a bearer circuit with respect to the trunk channel such that the bearer circuit continues to be operated as a sound channel regardless of whether sound is present on the trunk channel.

For all of the above reasons, taken alone or in combination, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(e) Mladenovic rejection.

**35 U.S.C. § 103(a) Mladenovic-Shanker Rejection**

Claims 2 and 3 are rejected under 35 USC § 103(a) as being unpatentable over Mladenovic in view of Shanker (USP 6,570,869). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

The cancellation of claim 3 clearly renders this rejection moot as to that claim.

Furthermore, claim 2 has been amended in the same fashion as claim 1. The above arguments relating to the means for continuously assigning a bearer circuit are hereby incorporated by reference. Applicants assert that these arguments and

amendments provide a clear patentable difference over Mladenovic.

Furthermore, the addition of Shanker does not remedy the noted deficiencies in Mladenovic. Indeed, Shanker is merely applied to teach a bearer channel ID concept. While Applicants do not agree with these assertions, it is clear that Shanker also fails to disclose or suggest means for continuously assigning a bearer circuit with respect to the trunk channel operated under passthrough operation such that the bearer circuit continues to be operated as a sound channel regardless of whether sound is present on the trunk channel as further recited in amended independent claim 2. Because neither Mladenovic nor Shanker discloses this feature, the combination of these two patents also fails to disclose or suggest this feature. Therefore, the combination must fail.

For all of the above reasons, taken alone or in combination, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) Mladenovic-Shanker rejection.

**35 U.S.C. § 103(a) Mladenovic-Klotzbach Rejection**

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mladenovic in view of Klotzbach (USP 5,410,754). This rejection, insofar as it pertains to the presently pending claims, is respectively traversed.

According to the Office Action, Mladenovic does not disclose the claimed means for outputting an invalid encoded signal in such a case that the encoded speech signal derived from the bearer circuit is not contained in the input signal. Klotzbach is applied to teach this feature citing col. 11, lines 13-17 as support. These teachings, as further repeated in the Office Action, merely relate to Klotzbach's particular handling of invalid received data. According to Klotzbach, the remedy is to send a message to the transmit side requesting retransmission. Thus, Klotzbach is limited to requesting retransmission upon receipt of an invalid data signal.

Even assuming these assertions made in the Office Action are true, the combination of Mladenovic and Klotzbach still fails to disclose or suggest certain other features of the claims. Specifically, and in regard to claim 4, the claimed means for outputting outputs a silent PCM signal and a trunk channel which receives the first invalid encoded signal from the bearer circuit.

In other words, the invention does not request retransmission (as in Klotzbach) but instead outputs a silent PCM signal in response to the first invalid encoded signal. This is an entirely different remedy or corrective action which is certainly not disclosed or suggested by Klotzbach and his retransmission query message.

It is also noted that the term "silent PCM signal" relates to a PCM signal that would be reproduced as silence or no sound on the receiving side. In other words, the term "silent PCM signal" relates to a PCM signal which would be reproduced on the receiving side such that there would be no sound output or otherwise silence on the receiving end. This argument is made because this term was previously rejected under § 112, second paragraph. The term "silent" was deleted from claims 4 and 5 to overcome the paragraph 2 rejection. Now, Applicants realize that it would be better to overcome the § 112, second paragraph rejection by explaining the meaning of the full term "silent PCM signal" rather than merely canceling "silent."

In any event, the combination of Mladenovic and Klotzbach certainly does not disclose or suggest the full combination of features recited in claims 4 and 5. Even if Mladenovic and Klotzbach teach the individual features asserted in the Office Action, and even if this combination is valid (which Applicants

do not admit), the combination of these two patents still fails to disclose or suggest the full combination of features including the means for outputting a first invalid encoded signal in such a case that the encoded speech signal derived from the bearer circuit is not contained in the input signal of the trunk channel in combination with the means for outputting a silent PCM signal in a trunk channel which receives the first invalid encoded signal from the bearer circuit. This interaction of first invalid encoded signal and the corrective remedy of outputting a silent PCM signal in response thereto is certainly not disclosed or suggested by Mladenovic or Klotzbach even when taken in combination.

Likewise, the features of claim 5 also patentably distinguishes over this combination. Many of the arguments apply from above but Applicants specifically point to the combination of the means for synthesizing a first invalid encoded signal and the means for outputting a silent PCM signal as further recited in claim 5 to distinguish over the combination of Klotzbach and Mladenovic.

For all of the above reasons, taken alone or in combination, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103 Mladenovic-Klotzbach rejection.

**35 U.S.C. § 103(a) Mladenovic-Wellard Rejection**

Claims 15-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mladenovic in view of Wellard (USP 6,510,219). This rejection, insofar as it pertains to the presently pending claims, is respectively traversed.

The arguments above relating to Mladenovic, particularly those relating to the continuous assignment of a bearer circuit are hereby incorporated by reference. More particularly, Mladenovic does not disclose or suggest a communications apparatus of amended claim 15 which recites that the transmission device includes a unit for continuously assigning said signal to a bearer channel to transmit said signal to connect with a second trunk number of another transmission device via an exchange such that the bearer channel continues to be operated as a sound channel regardless of whether sound is present on said signal.

Likewise, Mladenovic does not disclose or suggest the method of communicating according to amended independent claim 17 which recites continuously assigning said signal to a bearer channel such that the bearer channel continues to be operated as a sound channel regardless of whether sound is present on said signal. As argued above, there is no such continuous assignment, particularly as amended.



Furthermore, Wellard does not remedy any of the noted deficiencies in Mladenovic. Indeed, Wellard is merely applied to teach certain quality of service (QoS) concepts in relation to a predetermined threshold. This feature has been removed from independent claims 15 and 17. More importantly, Wellard does not disclose or suggest the continuous assignment of a bearer channel, particularly as recited in amendment independent claims 15 and 17. Because neither Mladenovic nor Wellard teaches this amended continuous assignment feature, the combination of these two patents also fails to disclose or suggest this claimed feature. Therefore, the combination must fail.

For all of the above reasons, taken alone or in combination, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103 Mladenovic-Wellard rejection.

### **Conclusion**


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request the Examiner to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata (Reg. No. 39,491) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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